

1 Shawtina F. Lewis (SBN 259255)
2 shawtina.lewis@nelsonmullins.com
3 NELSON MULLINS RILEY &
4 SCARBOROUGH LLP
5 19191 South Vermont Avenue, Suite 900
6 Torrance, CA 90502
7 Telephone: 424.221.7400
8 Facsimile: 424.221.7499

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10 Attorneys for Defendants
11 *C. R. Bard, Inc. and*
12 *Bard Peripheral Vascular, Inc.*

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15 UNITED STATES DISTRICT COURT
16 EASTERN DISTRICT OF CALIFORNIA

17 VANDLEAN MOSIER,
18 Plaintiff,
19 v.
20 C. R. BARD INC., and
21 BARD PERIPHERAL VASCULAR, INC.,
22 Defendants.

23 Case No.: 2:20-cv-01767-TLN-EFB

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28 **JOINT MOTION TO STAY
DISCOVERY AND ALL PRETRIAL
DEADLINES & ORDER**

1 Pursuant to Federal Rule of Civil Procedure 26(c) and (d), Plaintiff in the above-titled
2 action and Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. (collectively, "Bard")
3 (Plaintiff and Bard are collectively referred to herein as "the Parties"), respectfully request that
4 this Court temporarily stay discovery and all pretrial deadlines and continue the initial Scheduling
5 Conference in this case for 90 days after entry of the [Proposed] Order while the Parties pursue
6 settlement discussions. In support thereof, the Parties state as follows:

7 1. This case was originally filed in the State Court of Dallas County, Texas, by a Texas
8 resident serving as lead plaintiff, and joined multiple individual plaintiffs, including the instant
9 plaintiff. The case was subsequently removed by Bard to the United States District Court for the
10 Northern District of Texas, Dallas Division.

11 2. On August 31, 2020, the Court issued an Order granting the lead plaintiff's
12 Unopposed Motion to Sever and Transfer Venue of Out-of-State Plaintiff's Cases, and the case
13 was transferred to this District and assigned to this Court. [Doc. 26].

14 3. Since before the transfer of the instant case from the Northern District of Texas,
15 Dallas Division, to this District, the Parties have been engaging in serious settlement discussions.
16 Accordingly, the Parties jointly move this Court for an order staying discovery and pretrial
17 deadlines and continuing the initial Scheduling Conference in this case for 90 days after entry of
18 the [Proposed] Order to allow the Parties to continue to engage in settlement discussions. This will
19 further facilitate settlement discussions and prevent unnecessary expenditures of the parties and
20 judicial resources.

21 4. A district court has broad discretion over pretrial discovery rulings. *See, e.g.*,
22 *Crawford-El v. Britton*, 523 U.S. 574, 598 (1998); *accord Thermal Design, Inc. v. Am. Soc'y of*
23 *Heating, Refrigerating & Air-Conditioning Engineers, Inc.*, 755 F.3d 832, 837 (7th Cir. 2014);
24 *Burns v. EGS Fin. Care, Inc.*, No. 4:15-CV-06173-DGK, 2016 WL 7535365 at *1 (W.D. Mo. Apr.
25 12, 2016); *see also Cook v. Kartridg Pak Co.*, 840 F.2d 602, 604 (8th Cir. 1988) ("A district court
26 must be free to use and control pretrial procedure in furtherance of the orderly administration of
27 justice."); *see also CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962) (district courts possess

1 “inherent power to control the disposition of the causes on its docket in a manner which will
2 promote economy of time and effort for itself, for counsel, and for litigants”).

3 5. Under Federal Rules of Civil Procedure 26(c) and 26(d), a court may limit the scope
4 of discovery or control its sequence. *See Britton*, 523 U.S. at 598. Although settlement
5 negotiations do not automatically excuse a party from its discovery obligations, the parties can
6 seek a stay prior to the cutoff date. *See Sofo v. Pan-American Life Ins. Co.*, 13 F.3d 239, 242 (7th
7 Cir. 1994); *Wichita Falls Office Assocs. V. Banc One Corp.*, 978 F.2d 915, 918 (5th Cir. 1993)
8 (finding that a “trial judge’s decision to curtail discovery is granted great deference,” and noting
9 that the discovery had been pushed back a number of times because of pending settlement
10 negotiations).

11 6. The Parties agree that the relief sought herein is necessary to handle the case in the
12 most economical fashion, yet allow sufficient time to schedule and complete discovery if
13 necessary, consistent with the scheduling obligations of counsel. The relief sought in this Motion
14 is not being requested for delay, but so that justice may be done.

15 **WHEREFORE**, The Parties jointly request that discovery and all pretrial deadlines be
16 stayed and that the initial Scheduling Conference be continued for 90 days after entry of the
17 [Proposed] Order to allow the Parties to conduct ongoing settlement negotiations.

[Signatures on the following page]

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1 DATED: September 10, 2020

2 Respectfully submitted,

3 NELSON MULLINS RILEY & SCARBOROUGH LLP

4 /s/ Shawtina F. Lewis

5 Shawtina F. Lewis (SBN 259255)

6 19191 South Vermont Avenue, Suite 900

7 Torrance, CA 90502

8 Telephone: 424.221.7400

9 Facsimile: 424.221.7499

10 shawtina.lewis@nelsonmullins.com

11 Attorney for Defendants

12 C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.

13 DATED: September 10, 2020

14 Respectfully submitted,

15 FEARNS NACHAWATI LAW FIRM

16 /s/ Arati Furness (as authorized on 9/8/2020)

17 Arati Furness, CA Bar No. 225435

18 (*admitted in EDCA*)

19 Steven S. Schulte

20 Texas Bar No. 24051306

21 Eric M. Przybysz

22 Darren McDowell

23 5473 Blair Road

24 Dallas, Texas 75231

25 T: (214) 890-0711/F: (214) 890-0712

26 afurness@fnlawfirm.com

27 ericp@fnlawfirm.com

28 schulte@fnlawfirm.com

dmcdowell@fnlawfirm.com

21 *Attorneys for Plaintiff*

ORDER

Upon consideration of the Parties' JOINT MOTION TO STAY DISCOVERY AND PRETRIAL DEADLINES, and for good cause appearing, IT IS HEREBY ORDERED that the Parties' Motion is GRANTED, and discovery and all pretrial deadlines are hereby stayed and extended and that the initial Scheduling Conference is continued for 90 days to allow the Parties to conduct ongoing settlement negotiations.

IT IS SO ORDERED.

DATED: September 10, 2020

Troy L. Nunley

Troy L. Nunley
United States District Judge